

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Atty. Docket: BUSCH2

In re Application of:)	Conf. No.:
Heinz BUSCH et al.)	
)	
IA No: PCT/EP2004/013084)	Art Unit: 1797
)	
IA Filed: November 18, 2004)	Examiner: Bryan T. Kilpatrick
)	
Appln. No.:)	Washington, D.C.
Not yet assigned)	
)	May 19, 2006
For: APPARATUS AND METHOD FOR)	
EXAMINING A LIQUID SAMPLE)	

INFORMATION DISCLOSURE STATEMENT [IDS]

Honorable Commissioner for Patents
U.S. Patent and Trademark Office
Customer Service Window
Randolph Building, Mail Stop Amendment
401 Dulany Street
Alexandria, VA 22314

Sir:

This Information Disclosure Statement is submitted in accordance with 37 CFR §§1.97, 1.98, and it is requested that the information set forth in this statement and in the listed documents be considered during the pendency of the above-identified application, and any other application relying on the filing date of the above-identified application or cross-referencing it as a related application.

[X] 1. This IDS should be considered, in accordance with 37 CFR §1.97, as it is filed:

[X] A. within three months of the filing date of the above-identified national application or within three months of the entry into the national stage of the above-identified international application.

[] B. before the mailing date of a first office action on the merits or before the mailing of a first Office action after the filing of a Request for Continued Examination under 37 CFR §1.114; or

☐ C. after (A) and (B) above, but before final rejection or allowance, and Applicant has made the necessary certification (box "i" below) or paid the necessary fee (box "ii" below):

☐ i. Counsel certifies that, upon information and belief, each item of information listed herein either was

☐ (a) first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this IDS; or

☐ (b) not cited in a communication from a foreign patent office in a counterpart foreign application and, to the knowledge of undersigned after making reasonable inquiry, not known to any individual designated in 37 CFR §1.56(c) more than three months prior to the filing of this IDS.

☐ ii. Credit Card Payment Form, PTO-2038, is attached authorizing payment of the fee set forth in 37 CFR §1.17(p), presently believed to be \$180. If the enclosed payment is incorrect, please charge any additional fees or credit any overpayment to Deposit Account No. 02-4035 of the undersigned.

☒ 2. In accordance with 37 CFR §1.98, this IDS includes a list (e.g., form BN/SB/08A/B) of all patents, publications, or other information submitted for consideration by the office, either incorporated into this IDS or as an attachment hereto. Other than U.S. patent(s) and/or published U.S. application(s), which 37 CFR §1.98(a)(2)(ii) does not require to be filed unless specifically required by the Office, a copy of each document listed is attached, except as explained below:

☐ A. Document(s) _____ is/are deemed substantially cumulative to document(s) _____, and,

in accordance with 37 CFR §1.98(c), a copy of each of the former document(s) is not enclosed.

[] B. Certain documents were previously cited by or submitted to the Office in the following prior application(s), which are relied upon under 35 U.S.C. 120:

(insert serial numbers and filing dates of prior applications)

Applicant identifies these documents by attaching hereto copies of the forms PTO-892, PTO-1449, PTO/SB/08a and/or PTO/SB/08b (or their BN form equivalents) from the files of the prior application(s) or a fresh BN/SB/08A and/or BN/SB/08B listing these documents, and request that they be considered and made of record in accordance with 37 CFR §1.98(d). Per 37 CFR §1.98(d), copies of these documents need not be filed in this application.

[X] 3. Documents AF-AH are not in the English language. In accordance with 37 CFR §1.98(a)(3), Applicant states:

[X] An English translation of each document AF-AH (or of the pertinent portions thereof), or a copy of an English-language abstract (or claim) is enclosed.

[] For documents _____, a corresponding English-language patent or published application is included on the accompanying Form BN/SB/08A, with a line drawn in the margin connecting the non-English-language document with its corresponding English-language document.

[X] A concise explanation of the relevance of documents AF-AH is found in the attached International Search Report (see reply to Comment 68 in the preamble to the final rules; 1135 OG 13 at 20).

[] A concise explanation of the relevance of document(s) _____ is set forth as follows:

[X] A concise explanation of the relevance of documents AF and AG can be found on page 2 of the Annexes to the International Preliminary Report on Patentability.

[] A concise explanation of the relevance of document(s) _____ can be found on the attached sheet.

[X] 4. No explanation of relevance is necessary for documents in the English language (see reply to Comments 67 and 68 in the preamble to the final rules; 1135 OG 13 at 20).

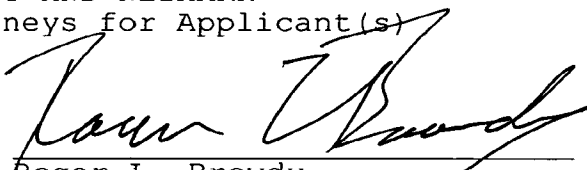
[] 5. Other information being provided for the examiner's consideration follows:

6. In accordance with 37 CFR §§1.97(g) and (h), the filing of this IDS should not be construed as a representation that a search has been made or that information cited is, or is considered to be, material to patentability as defined in 37 CFR §1.56(b), or that any cited document listed or attached is (or constitutes) prior art. Unless otherwise indicated, the date of publication indicated for an item is taken from the face of the item and Applicant reserves the right to prove that the date of publication is in fact different.

Respectfully submitted,

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Substitute for form 1449A/PTO

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(use as many sheets as necessary)

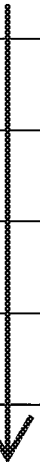
Sheet 1 of 1

Complete if Known

Application Number	Not yet assigned
Filing Date	Even date herewith
First Named Inventor	Heinz Werner BUSCH
Group Art Unit	
Examiner Name	
Attorney Docket Number	BUSCH2

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Document Number Number-Kind Code ^{2,3,4} (known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
/B.K./	AA	US- 4,152,075 A	01-05-1979	Reilstab et al.	
/B.K./	AB	US- 4,672,218 a	06-09-1987	Chrismann et al.	
	US-				
	US-				

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. ¹	Foreign Patent Number Country Code ³ Number ⁴ Kind Code ⁵ (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
/B.K./	AC	GB 1 141 527 A	12-19-1984	Shipley Company Inc.		
	AD	WO 88/02109 A1	03-24-1988	Aircraft Company		
	AE	WO 91/16618 A1	10-31-1991	The Foxboro Company		
	AF	JP 11 014632 A	01-22-1999	Sanyo Electric Co. Ltd.		ABS
	AG	JP 2000 266668 A	09-29-2000	Sogo Pharmaceutical Co. Ltd.		ABS
	AH	WO 02/063285 A2	08-15-2002	Basf Aktiengesellschaft		ABS

NON PATENT LITERATURE DOCUMENTS / OTHER INFORMATION				
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published		T ²
/B.K./	AI	Bongartz, D. et al., "Direct measurement of calcium oxalate nucleation with a laser probe", Urological Research, (1999), Vol. 27, No. 2, pp. 135-140.		
	AJ	Chaplin, A.J. et al., "The Use of a Laser Microprobe to Identify Calcium Oxalate in Histological Material", Histochemistry, (1982), Vol. 75, No. 2, pp. 259-268.		
	AK	Laube, N. et al., "Hippuric Acid as a Modifier of Calcium Oxalate Crystallisation", Clinical Chemistry and Laboratory, (2001), Vo. 39, No. 3, pp. 218-222.		
	AL	Laube, N. et al., "Laser-probe-based investigation of the evolution of particle size distributions of calcium oxalate particles formed in artificial urines", Journal of Crystal Growth, (2001), Vol. 233, No. 1-2, pp. 367-374.		
	AM	Laube, N. et al., "The relation of urinary Tamm-Horsfall-Protein on CaOx-crystallization under the scope of the Bonn-Risk-Index", Urological Research, (2001), Vol. 29, No. 1, pp. 45-49.		
	AO	Database Biosis Online, Laube N. et al., "Comparison of laser-probe and photometric determination of the urinary crystallization risk of calcium oxalate", Biosciences Information Service, (2002), XP002323489		

Examiner
Signature

/Bryan Kilpatrick/

Date
Considered

12/03/2008

* EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹ Applicant's unique citation designation number (optional). ² See Kind Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.